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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,773	08/30/2001	Shinako Matsuyama	09792909-5133	2470
26263 7590 10/30/2007 SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			EXAMINER LIPMAN, JACOB	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/943,773

Applicant(s)

MATSUYAMA ET AL.

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-30 is/are pending in the application.
- 4a) Of the above claim(s) 15-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al., US Patent number 5,708,709 in view of Subbiah et al., USPN 6,035,403.

With regard to claim 1, 4, and 12, Rose discloses a content distribution system for performing content transaction management (column 1 lines 5-7), including a plurality of user devices among which the content transaction management allows a content to be secondarily distributed (column 2 lines 66-67), a secure container (transmission format version) containing the content encrypted by a content key (column 9 lines 46-48), and container information including conditions set for a transaction of the content (column 5 lines 31-43), a first section for distributing the content by transmitting said secure container (server 104), and a second section for performing person authentication (application builder 112), when said secure container is transmitted among the user devices (column 3 lines 11-18), based on an IDC (Client ID, column 10 lines 4-9) which includes a template serving as person identification data of a target user for the content transactions including personal identification information

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(particular user, column 11 lines 35-38), and which is identified in reference to an IDC identifier list (licensee ID for particular user, column 5 lines 35-36), wherein the container information includes the IDC identifier list as a list of the IDCs (column 5 lines 31-36), the IDC identifier list is generated by a person identification authority as a third party agent (trial license application program 134, column 3 lines 40-42), wherein a secure container distributing device among the user device is configured to compare sampling information input by a user with the template stored in the IDC identified in reference to the IDC identifier list (column 8 lines 11-31), to process person authentication of a user of a receiving device among the user devices (column 8 lines 25-27), to which the secure containers to be distributed, and to perform a process of distribution of the content key for decrypting the content stored in the secure container, when the comparison result is affirmative (column 8 lines 25-31). Rose discloses the client ID associated with the application builder contains specific data for a particular user (column 11 lines 35-38), but does not specifically mention biometric data. Subbiah discloses using biometric data as client ID for a software license (column 2 lines 31-41), and that the biometric data is encrypted in the executable for verification (column 5 lines 9-26). It would have been obvious for one of ordinary skill to use the decrypt and check method of Subbiah when applying the verifying ID embodiment of Rose since it is a very secure manner of ID verification.

With regard to claim 2, Rose discloses storing the container to local memory (column 9 lines 54-56).

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With regard to claim 3, Rose discloses the control information includes conditions for processing secondary distribution (expiration date).

With regard to claim 6, Rose discloses after verification, the program may be loaded for execution in the client's computer (column 10 lines 21-29)

With regard to claim 7, Rose discloses the key is available to the client (column 10 lines 21-29).

With regard to claim 8, Rose discloses the container is stored before verification (column 9 lines 54-56).

With regard to claim 9, Rose discloses the user is being verified (column 10 lines 25-29).

With regard to claim 10, Rose discloses the container contains user permissions (column 10 lines 43-53).

With regard to claim 14, Rose discloses the ID is created from the user's personal information (column 7 lines 9-26).

With regard to claims 11 and 13, Rose in view of Subbiah discloses the content distribution system, as outlined above, but does not mention adding a digital signature to the container. The examiner takes official notice that adding a signature to distributed data is common to protect the receiver from harmful executables. It would have been obvious for one of ordinary skill in the art to sign the container disclosed by Rose to increase the receiver's security and trust.

Conclusion

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3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

JL


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER